IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 16005 of 2000

Between:

Nalluri Seetaramaiah, S/o. Ramachandra Rao,
R/o. Jalapavarigudem, Ankalampadu Post,
K.Kota Mandal, West Godavari District.

..... PETITIONER

AND

1 The Station House Officer, Tadikalapudi P.S.,
West Godavari District.
2 Rachaprolu Ramulu, S/o. Gangaiah,
R/o. Jalapavarigudem, Ankalammapadu (Post),
Kamavarapukota Mandal, West Godavari District.
3 Rachaprolu Sarojini, W/o. Ramulu,
R/o. Jalapavarigudem, Ankalammapadu (Post),
Kamavarapukota Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, Writ of Mandamus declaring the action of the first Respondent in registering Crime No. 45/2000 on the basis of complaint dated 15.9.1999 lodged by the Respondents 2 and 3 before the Judicial First Class Magistrate, Chintalapudi, West Godavari District, as arbitrary, illegal, unjust, contrary to law, violative of Articles 14 and 21 of the Constitution of India and issue consequential direction not to act on the basis of the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MRC.H.KHORANA REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner seeks a writ of Mandamus declaring the action of the Station House Officer, Tadikalapudi P.S., West Godavari District in registering Crime No.45 of 2000 on the basis of a complaint given by respondent Nos.2 and 3 as illegal and arbitrary.

Respondent Nos.2 and 3 herein filed a private complaint on the file of the Court of the Judicial Magistrate of First Class, Chintalapudi, West Godavari District. The learned Magistrate referred the same to the first respondent under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C). The first respondent registered Crime No.45 of 2000 under Sections 383, 341, 342, 354 of the Indian Penal Code, 1860, and Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In the complaint given by the second respondent he alleged that the petitioner hired the bullock cart of the second respondent for transporting paddy, manures, pesticides from Tadikalapudi to Jalapavarigudem on a daily charges of Rs.60/- per day. The petitioner also used to give a sum of Rs.5,000/- per year towards agricultural expenses, which was repaid by him after getting the crop. The petitioner owed a sum of Rs.39,080/- and did not repay the amount on one pretext or the other. Accused Nos.2 to 4 colluded with the first accused and on 04.06.1999 between 7.00 P.M and 8.00 P.M, they called the third respondent, the wife of the second respondent, promising to pay the money for maize, paddy, groundnut and also transport charges. She was made to wait for one hour and when the third respondent asked for money, the petitioner and other accused abused the third respondent using filthy language and caste name. They also pulled her with hands as a result of which the third respondent fell down. Having come to know about this incident, the second respondent went to the house of the first accused and then the second respondent was also abused by using the caste name. Therefore, the complaint was lodged.

The learned counsel for the petitioner contends that the petitioner herein filed a suit, being O.S.No.57 of 1999 on the file of the Court of the Junior Civil Judge, Chintalapudi, against respondent Nos.2 and 3 and obtained an *ex parte* decree for payment of Rs.21,746/- with interest thereon and that the complaint was filed as a counter blast. According to the learned counsel, the complaint lodged by respondent No.2 before the Criminal Court is *mala fide,* and if the same is allowed to be tried, the same would result in miscarriage of justice.

The alleged offence was committed by the petitioner and other accused against respondent Nos.2 and 3 on 04.06.1999, whereas the Civil Court passed the decree on 19.07.2000. Therefore, there is no force in the submission of the learned counsel for the petitioner that the criminal case was foisted as a counter blast. Further a reading of the complaint lodged by the second respondent would *prima*

facie disclose the commission of the offence by the petitioner and other accused and therefore, it is not a proper case to quash the criminal complaint.

The first respondent registered Crime No.45 of 2000 when the complaint lodged by the second respondent was endorsed under Section 156(3) of Cr.P.C. When a Magistrate refers a complaint for investigation, the Police Officer is bound to register the crime and take up investigation. It is altogether a different matter if after investigation, the Police Officer files a report disproving the allegations in the complaint. Therefore, it cannot be said that the first respondent acted arbitrarily in registering a cognizable crime. The petitioner has not made out any ground for quashing the First Information Report.

The writ petition is devoid of merits, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

20-06-2005

vs

To

1 The Station House Officer, Tadikalapudi P.S.,
West Godavari District.
2 Two CCs to the G.P. for Home, High Court of A.P., Hyderabad.(0.U.T)

3 2 CD copies